

**IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF NEW MEXICO**

**STATE OF NEW MEXICO, *ex rel.*
State Engineer**

Plaintiff,

v.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 JEC-ACE

**RIO CHAMA STREAM SYSTEM
Rio Gallina, Section 5**

Subfile No. CHGA-005-0003

MOTION FOR DEFAULT JUDGMENT

COMES NOW the plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to enter its order granting default judgment against the following Group “B” defendants:

ONOFRE SANCHEZ CHGA-005-0003

TOMAS SANCHEZ CHGA-005-0003

RICHARD HARVEY CHGA-005-0003

and as grounds therefor plaintiff states as follows:

1. The Pretrial Order for Litigation of Remaining Individual Subfiles and Water Rights Claims in Section 5 of the Rio Chama Stream System entered May 3, 2002 (Docket No. 6699) requires all Group “B” Defendants to make initial discovery disclosures to the State no later than July 30, 2002. *See* Pretrial Order ¶ II.

2. The above-named defendants failed to make the required exchange of discovery information by July 30, 2002.

3. At the Court’s September 4, 2002 pretrial conference, the Court granted leave for the

above-named defendants to make initial discovery disclosures to the State no later than September 20, 2002, and to disclose the identity of any person who may be used at trial to present expert witness testimony by October 15, 2002.

4. To date, the defendants have failed to make any discovery disclosures to the State, or to disclose the identity of persons who may be used to present expert witness testimony at trial. No extensions of time have been requested.

5. Under Federal Rule of Civil Procedure 16(f), if a party fails to obey a scheduling or pretrial order the Court may make such orders with regard thereto as are just, including any of the orders provided in Rule 37(b)(2)(B),(C), (D).

6. The State has not offered to recognize water rights in favor of any of the defendants, and has proposed that the Court adjudicate their claims for water rights in subfile CHGA-005-0003 as “No Right” or without water rights.

7. The State has been unable to contact the defendants to determine if they oppose the motion.

WHEREFORE the plaintiff State of New Mexico requests the Court to enter its order granting default judgment against the above-named defendants and adjudicate the water rights claims of the defendants in subfile CHGA-005-0003 as “No Right.”

DATED: October 20, 2002

Respectfully submitted,

/electronic signature/
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CERTIFICATE OF SERVICE

I certify that a copy of the above Motion for Default Judgment was mailed to the following persons on October 21, 2002.

/electronic signature/
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